

REMARKS**OVERVIEW**

Claims 33-37 are pending in this application. It is respectfully submitted that all claims are in proper form for immediate allowance. This amendment accompanies a notice of appeal.

Claim 33 is rejected under 35 U.S.C. § 102(b) as being anticipated by Wellard (U.S. 4,267,634). This rejection is respectfully traversed. Claim 33 defines a stacked chip resistor from separate chip resistors (10). Note that Claim 33 defines each constituent chip resistor (10) as comprising a substrate, a resistive element (12) on the substrate and first and second end caps (14) electrically connected to opposite ends of the resistive elements (12). It is these chip resistors (10) that are stacked and each chip resistor (10) in the stack is electrically in parallel with the other chip resistors (10) in the stack. The barrier (18) connects the end caps (14) of each resistor. The barrier (18) provides for both electrical and mechanical connections of the chip resistors (10) within the stack.

There are two end caps (14) per each chip resistor (10) that is stacked. A stack of three chip resistors (10) contains six end caps (14), three on each end. This limitation of two end caps (14) per chip resistor (10) is simply not disclosed in Wellard. Wellard discloses a palladium-silver material which is deposited on the ends of the chip. Either the Wellard chip is not stacked with other chips (see Wellard, Figure 6) which brings it outside claim 33 that requires a first chip resistor (10) and a second chip resistor (10) or the Wellard chips do not include 2 end caps (14) per chip and, additionally, a barrier (18) on each end of the chips. The termination means taught in Wellard can not both be end caps (14) and a barrier (18).

In rejecting claim 33, the Examiner considers elements 27 and 29 to be first and second end caps (office action, page 2, numbered paragraph 3). Then the Examiner considers elements

27 and 29 of Wellard to be the first and second metal barriers (office action, page 3). Wellard's specification simply refers to elements 27 and 29 as "termination means" (col. 4, lines 11-13).

It should be clear that the rejection to claim 33 based on Wellard is deficient. Claim 33 requires four end caps in total. Wellard does not disclose four end caps. If the "termination means" 27 and 29 of Wellard are considered to be end caps, there are only two end caps. Thus Wellard is deficient.

Moreover, elements 27 and 29 can not be both end caps and barriers. The structure of the device manufactured in claim 33 comprises four end caps and two barriers -- six separate structures. The Examiner can not double count the termination means of Wellard as being both end caps and barriers.

Therefore, this rejection to claim 33 is inappropriate and must be withdrawn.

As claims 34-37 depend from claim 33, it is respectfully submitted that these rejections should also be withdrawn.

Based on the foregoing, Applicants respectfully submit that pending claims are in condition for allowance at this time, as they are patentably distinguishable over the prior art. Accordingly, reconsideration of the application and passage to allowance are respectfully solicited.

This Amendment After Final is being timely submitted with a Notice of Appeal and its accompanying fee. No fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,

John D. Goodhue



JOHN D. GOODHUE, Reg. No. 47,603
McKEE, VOORHEES & SEASE, P.L.C.
801 Grand Avenue, Suite 3200
Des Moines, Iowa 50309-2721
Phone No: (515) 288-3667
Fax No: (515) 288-1338
CUSTOMER NO: 22885

Attorneys of Record

- pw -